

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

UNITED STATES OF AMERICA,

v.

DEVIN RYAN,

Defendant.

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CR 420-103

ORDER

Pursuant to the recently enacted Due Process Protections Act, Pub. L. 116-182, 134 Stat. 894 (2020), and its revisions to Federal Rule of Criminal Procedure 5(f)(1), *id.* § 2, the Court hereby “confirms the disclosure obligation of the prosecutor under *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny ...,” *id.* An exhaustive presentation of all the “possible consequence of violating [this Order] under applicable law,” *id.*, is not feasible in this context. Beyond the obvious possibility of exposing the United States Attorney’s Office to charges of prosecutorial misconduct, *Brady* violations also portend serious consequences to the Government’s case. A prominent treatise summarizes these as including, but not limited to, a new trial and, in particularly flagrant cases, dismissal. *See* 2 ANDREW D. LEIPOLD, *FEDERAL PRACTICE AND PROCEDURE* § 256 (4th ed. 2020); *cf. United States v. Nejad*, __ F. Supp. 3d __, 2020 WL 5549931

(S.D.N.Y. Sept. 16, 2020) (explaining, in a case involving serious misconduct by prosecutors, including withholding evidence, that “[t]he cost of such Government misconduct is high. With each misstep the public faith in the criminal-justice system further erodes. With each document wrongfully withheld, an innocent person faces the chance of a wrongful conviction. And with each unforced Government error, the likelihood grows that a reviewing court will be forced to reverse a conviction or even dismiss an indictment, resulting in wasted resources, delayed justice, and individuals guilty of crimes potentially going unpunished.”). Given this confirmation, the Court anticipates that no generalized motions seeking assurance of the Government’s compliance with its obligations under *Brady* and its progeny will be necessary.

SO ORDERED, this 27th day of October, 2020.



CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA